

08 CIV 5683

JUN 24 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SYED J. AHMED

Plaintiff

-against-

**COMPLAINT FOR  
WRIT OF MANDAMUS**

MICHAEL MUKASEY, Attorney General of the United States; MICHAEL CHERTOFF, Secretary, Department of Homeland Security; JONATHAN SCHARFEN, Acting Director, U.S. Citizenship and Immigration Services; ANDREA QUARANTILLO, New York District Director, U.S. Citizenship and Immigration Services

Civil Action No.

USCIS No. A 070 892 036

Defendants

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Plaintiff, SYED J. AHMED, through undersigned counsel, alleges as follows:

1. Plaintiff is a native and citizen of Pakistan. He has been a lawful permanent resident of the United States since 14 July 2000. The Plaintiff is a resident of Kings County. He currently resides at 1544 W 1<sup>st</sup> Street, #A2, Brooklyn, NY 11204. His alien registration number is A 070 892 036. See Exhibit A (Permanent Resident Card).

2. Defendant MICHAEL MUKASEY is the Attorney General of the United States; Defendant MICHAEL CHERTOFF is the Secretary, Department of Homeland Security ("DHS"); Defendant JONATHAN SCHARFEN is the Acting Director, U.S.

Citizenship and Immigration Services (“USCIS”); and Defendant ANDREA QUARANTILLO is the New York District Director of the United States Citizenship and Immigration Services (“USCIS”) with the supervisory authority over all operations of the USCIS within the New York district, including the authority to grant or deny naturalization applications submitted to the USCIS within the New York district pursuant to 8 U.S.C. § 1421 and 1427. Defendants are sued herein in their official capacities. Defendants are charged by law with the statutory obligation to adjudicate applications for naturalization.

3. The Court has jurisdiction of this action pursuant to 28 U.S.C. 1331, 28 U.S.C. 1361, and 5 U.S.C. 701 et seq., and relief is requested pursuant to said statutes. This is a civil action to redress the deprivation of rights, privileges, and immunities secured to Plaintiff by compelling Defendants to perform a duty Defendants owe to Plaintiff.

4. Venue is proper in this Court under 28 U.S.C. 1391(e) because Defendant ANDREA QUARANTILLO resides in this district.

5. On or about 3 February 2006 Plaintiff filed an application for naturalization (Form N-400) with the Defendants. See Exhibit B (*Form I-797C Receipt Notice*).

6. By Notice of Action (*Form I-797C*), dated 9 April 2006, Defendants descheduled Plaintiff's interview previously scheduled for 11 May 2006. See Exhibit C (*Form I-797C*).

7. To date, Plaintiff has not been rescheduled for an interview on his application. Plaintiff has made repeated inquiries of Defendants to learn the status of his application and has been informed it remains pending required security checks. See Exhibit D.

8. Defendants have given no indication when Plaintiff may be interviewed and his application adjudicated.

9. Defendants, in violation of law and regulations, have willfully and unreasonably refused to adjudicate Plaintiff's "Application for Naturalization" ("Form N-400"), thereby depriving Plaintiff of the benefit of becoming a citizen of the United States.

10. Plaintiff has exhausted any administrative remedies that may exist.

**WHEREFORE**, Plaintiff prays that the Court:

1. Compels Defendants and those acting under them to perform their duty to adjudicate Plaintiff's application; and

2. Grant such other and further relief as this Court deems proper under the circumstances.

Respectfully submitted,

Dated: 17 June 2008

PLUNKETT & DONNARD



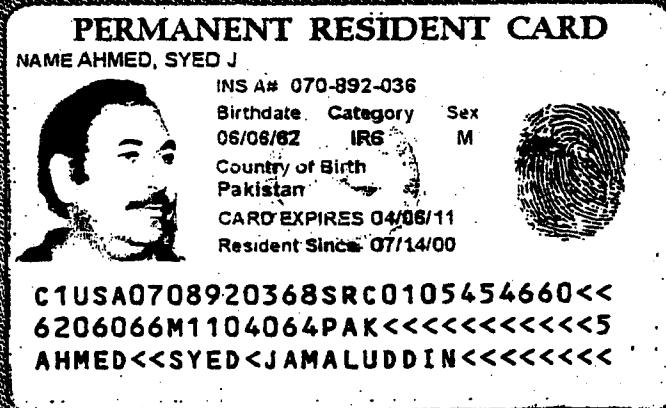
Brian Donnard – BD 7318  
Counsel for Plaintiff  
401 Broadway, Suite 912  
New York, New York 10013  
(212) 219-9866

Applicant: Syed J. AHMED

USCIS No.: A 070 892 036

**INDEX OF EXHIBITS**

- A) U.S. Permanent Resident Card;
- B) I-797C, Notice of Action, dated 10 February 2006, evidencing receipt of N-400 Application for Naturalization on 3 February 2006;
- C) I-797C, Notice of Action, dated 9 April 2006, descheduling naturalization interview on 11 May 2006;
- D) Response to Status Inquiry, dated 5 March 2007, indicating that processing of case has been delayed due to pending security check.





Receipt

NOTICE DATE  
February 10, 2006

CASE TYPE

INS AF#  
A 070 892 036

N400 Application For Naturalization

APPLICATION NUMBER  
ESC\*001562300

RECEIVED DATE  
February 03, 2006

PRIORITY DATE  
February 03, 2006

PAGE  
1 of 1

APPLICANT NAME AND MAILING ADDRESS

SYED JAMALUDDIN AHMED  
1544 WEST 1ST STREET APT A2  
BROOKLYN NY 11204

PAYMENT INFORMATION:

Single Application Fee: \$400.00  
Total Amount Received: \$400.00  
Total Balance Due: \$0.00

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The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: June 06, 1962  
Address Where You Live: 1544 WEST 1ST STREET APT A2  
BROOKLYN NY 11204

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:

US IMMIGRATION AND NATURALIZATION SERVICE  
75 LOWER WELDEN STREET  
ST ALBANS VT 05479-

INS Customer Service Number:

(800) 375-5283

APPLICANT COPY





Interview Descheduled by INS

NOTICE DATE  
April 09, 2006

CASE TYPE

INS A#  
A 070 892 036

N400 Application For Naturalization

APPLICATION NUMBER  
ESC\*001562300

RECEIVED DATE  
February 03, 2006

PRIORITY DATE  
February 03, 2006

PAGE  
1 of 1

APPLICANT NAME AND MAILING ADDRESS

SYED JAMALUDDIN AHMED  
1544 WEST 1ST STREET APT A2  
BROOKLYN NY 11204

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This is to advise you that, due to unforeseen circumstances, we have had to cancel the previously scheduled interview on Thursday, May 11, 2006 at 08:50 AM for the above applicant. We regret any inconvenience this may cause.

We will advise you of any further action taken on this case, including any rescheduled interview information, under separate notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

**INS Office Address:**

US IMMIGRATION AND NATURALIZATION SERVICE  
USCIS 7TH FLOOR ROOM 7-700  
26 FEDERAL PLAZA  
NEW YORK NY 10278-

**INS Customer Service Number:**

(800) 375-5283



U.S. Department of Homeland Security  
Vermont Service Center  
75 Lower Welden Street  
St. Albans, VT 05479-0001



US Citizenship  
and Immigration  
Services

March 5, 2007

SYED AHMED  
1544 WEST 1ST STREET APT A2  
BROOKLYN NY 11204

A File Number: A70892036  
File Receipt Number: ESC\*001562300  
Applicant/Petitioner: SYED AHMED

Dear Sir or Madam:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required security checks remain pending.

Until the security checks have been completed, we cannot move forward on your case. These security checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the security checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

For future status inquiries of a petition or application filed at this Center you may want to utilize our National Customer Service Center by calling 1-800-375-5283. If you would like to obtain forms, filing instructions, case status or schedule an appointment with your local office, please visit our web site at [www.uscis.gov](http://www.uscis.gov). You must use the InfoPass Appointment Scheduler prior to visiting your local office.

FINAL NOTE: Please remember that every person, over the age of 14, who is not a U.S. citizen or in 'A' or 'G' nonimmigrant status, must also notify the Department of Homeland Security within 10 days from when they move. To do this, please complete and mail in Form AR-11.

Sincerely,

Paul E. Novak, Jr.  
Center Director  
VSC07030553043/292061